

February 24, 2012

To: Executive Board

Subject: **Foothill Transit Records Retention & Destruction Policy**

Recommendation

Adopt the Foothill Transit Records Retention & Destruction Policy.

Analysis

Foothill Transit currently does not have a policy in place to guide staff in the proper retention and disposal of agency's records. Currently storage locations at the Pomona Operations & Maintenance Facility and at the Foothill Transit Warehouse located at the Arcadia Operations & Maintenance Facility have or are about to reach capacity.

Implementation of the policy will be the first step in addressing some of the records management challenges facing the agency. Once adopted and implemented, any necessary revisions to the policy will be brought back to the Executive Board for consideration and approval. Foothill Transit's legal and administrative teams have also begun the process of drafting a records retention schedule. Each functional area has begun identifying vital records to include as part of the records retention schedule. The record retention schedule will be presented to the board for its consideration in the coming months.

In general, the policy states:

- All documents shall be retained in their original form for two years. Emails are not centrally maintained, and therefore, only specifically designated emails will be retained for the specified duration.
- Except where a longer retention period is required, after two years, the Agency, with the Executive Director's approval, may destroy any original document with the Agency retaining a record or copy of these documents.
- Records that pertain to matters that will not be needed for future reference may be disposed of as soon as convenient.
- The Agency shall retain original administrative, legal, fiscal and/or historical records with continued value (e.g. records for long-term transactions, pending litigation and/or special projects) until all matters pertaining to such records are completely resolved or the time of or appeal has expired.

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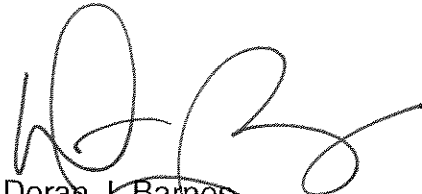
Ultimately, once a policy and retention scheduled is in place, it may be beneficial to implement an electronic records management system. That option is currently being investigated by members of the administrative team.

Attachment A is the proposed Foothill Transit Records Retention & Destruction Policy.

Sincerely,

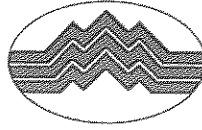


Kevin McDonald
Deputy Executive Director



Doran J. Barnes
Executive Director

Attachment



Foothill Transit

Records Retention and Destruction Policy

Effective _____, 2012

Subject

Retention and destruction of Agency records

Purpose

The purpose of this policy is to provide guidelines to staff regarding the retention or disposal of Agency papers and documents ("records"); provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

The Executive Board authorizes the Executive Director to interpret and implement this policy and to cause to be destroyed any and all records that meet the policy specifications. For the purpose of this policy, electronic records, including, but not limited to, email must be analyzed and retained in the same manner and to the same extent as paper records.

Policy

1. Records and information management (RIM) is the systematic control of all records, regardless of media, from their creation or receipt, through their processing, distribution, organization, storage, and retrieval to their disposition. Information flows through the organization in the form of paper and electronic records such as word processing documents, spreadsheets, e-mail, graphical images, and voice or data transmissions.

2. This policy details the requirements and responsibilities to initiate a well-defined RIM program. The RIM program applies to those departments that require a long-term records retention, storage, and destruction program.

A. Ensure only essential records of continuing value are preserved. Records should be retained in the active office areas as long as they serve the immediate administrative, legal, or fiscal purpose for which they were created.

B. Establish safeguards against the illegal removal, loss, or destruction of records. Records either should be disposed of in accordance with an approved records retention schedule or transferred to the records retention center until the prescribed retention period has expired.

C. Management of records is the responsibility of the owner, or creator, of the record. The department director or the director's designated representative should contact the records manager to discuss initiating a records management program or reviewing an existing records management program to properly handle records from their creation through their destruction. Departments can be provided guidance on how records should be organized and stored to ensure timely and efficient retrieval.

D. The records retention schedule is the key tool for departments to use to manage their records effectively. Information is a valuable asset. However, if records that contain information cannot be retrieved efficiently or are retained beyond their legal, regulatory, or administrative retention period, they lose their value and may impose a liability to the organization.

3. Significant recurring activities initiated by the records manager include:

A. Annual inventory of the records center: The records manager will annually inventory all records in the records center to confirm information in the records retention tracking system.

B. Annual review of the records retention schedule: The records manager will have the records retention schedule reviewed and validated annually for accuracy.

C. Annual files purge program: The records manager will advertise and initiate an annual files purge by all departments. The purpose is to have individuals review personal active file systems, as well as electronic document folders, and to purge documents that are no longer required. No original documents are to be destroyed.

General Guidelines

1. The Agency shall generally retain all documents in their original form for two years unless a shorter duration is specifically authorized by State or Federal regulation or a longer duration is specified in the retention schedule. The Agency's emails are not centrally maintained, and therefore, only specifically designated emails will be retained for the specified duration. The Executive Director may authorize the destruction of any duplicate records, including duplicates less than two years old, if no longer needed.

2. Except where a longer retention period is required, after two years, the Agency, with the Executive Director's approval, may destroy any original document with the Agency retaining a record or copy of these documents.

3. Records that pertain to matters that will not be needed for future reference may be disposed of as soon as convenient. For example, preliminary drafts, notes and

memoranda that have been retained for less than 60 days and are no longer needed should be disposed of immediately. All records that are kept for more than 60 days for use or reference by an employee, and that are otherwise exempt, must be treated as a public record.

4. The Agency shall retain original administrative, legal, fiscal and/or historical records with continued value (e.g. records for long-term transactions, pending litigation and/or special projects) until all matters pertaining to such records are completely resolved or the time of or appeal has expired.

5. Except where this policy provides that an original document shall be retained, the Agency may retain records electronically, on microfilm or other media meeting the following requirements:

A. The item must be scanned, photographed, or otherwise reproduced on film or any other medium which does not permit additions, deletions or changes to the original document in compliance with the minimum standards and/or guidelines as recommended by the American National Standards Institute of the Association for Information and Image Management for recording of permanent records or nonpermanent records, whichever applies.

B. The original must be accurately reproduced with all details.

C. The reproductions must be stored in conveniently accessible file, and provision must be made for preserving, examining and using the files.

For the purposes of this policy, every reproduction shall be deemed to be an original record, and a transcript, exemplification, or certified copy of any reproduction will be considered to be that of the original.

Litigation Holds and Other Special Situations

The Agency requires all employees to fully comply with its published records retention schedules and procedures as provided in this policy. All employees should note the following general exception to any stated destruction schedule: If you believe, or Foothill Transit's legal counsel informs you, that the Agency's records are relevant to current litigation, potential litigation (that is, a dispute that could result in litigation), government investigation, audit or other event, you must preserve and not delete, dispose, destroy or change those records, including e-mails, until Foothill Transit's legal counsel determines those records are no longer needed. This exception, usually referred to as a litigation hold or legal hold, replaces any previously or subsequently established destruction schedule for those records. If you believe this exception may apply, or have any question regarding whether it may possibly apply, please contact Foothill Transit's legal counsel.